



**FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Sergio Aldana
DOCKET NO.: 18-04276.001-R-1
PARCEL NO.: 18-35-352-019

The parties of record before the Property Tax Appeal Board are Sergio Aldana, the appellant; and the Bureau County Board of Review, by attorneys Christopher E. Sherer and Bailey E. Felts of Giffin, Winning, Cohen & Bodewes, P.C. in Springfield, Illinois.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **a reduction** in the assessment of the property as established by the **Bureau** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$2,764
IMPR.: \$3,869
TOTAL: \$6,633

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Bureau County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2018 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property consists of a part 1-story and part 1.5-story dwelling of vinyl siding exterior construction with 1,250 square feet of living area.¹ The dwelling was constructed in 1895 and is approximately 123 years old. Features of the home include an unfinished basement. The property has a 6,500 square foot site and is located in Spring Valley, Hall Township, Bureau County.

¹ The appellant states that the subject has 1,037 square feet of living area. The schematic drawing attached to the property record card submitted by the board of review depicts that the dwelling has 1,250 square feet of living area (excluding the enclosed front porch and the deck from the calculation of "living area"). The Board finds that the best evidence of dwelling size was submitted by the board of review. This slight discrepancy will not affect the Board's decision.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant completed Section IV – Recent Sale Data and reported that the subject property was purchased on July 27, 2017 for a price of \$19,900 from William Welbers. The appellant further reported that the parties to the transaction were not related, the property was sold through a realtor and the property was advertised through the Multiple Listing Service for a period of one week. The appellant also disclosed that the seller's mortgage was not assumed and that the home was occupied on July 27, 2019. To document the sale, the appellant submitted a copy of the Multiple Listing Service (MLS) data sheet which reiterated the subject property's sale date and price. The MLS listing sheet noted "[p]riced to sell. Needs some work. Being sold as-is." The listing sheet depicted that the subject property had been on the market for 8 days with an original asking price of \$25,000. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$13,721. The subject's assessment reflects a market value of \$41,743 or \$33.39 per square foot of living area, land included, when using the 2018 three-year average median level of assessment for Bureau County of 32.87% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review through its counsel submitted a brief arguing that the subject's sale price "... does not necessarily establish its value without further information on the relationship between buyer and seller and other circumstances." *Citing Residential Real Estate Co. v. Property Tax Appeal Board*, 188 Ill.App.3d 232, 242 (5th Dist. 1989). However, the board of review did not present any evidence or argument calling into question the relationship between the parties or any other circumstance(s) disputing the arm's length nature of the transaction. In addition, the board of review submitted a copy of a letter addressed to the Property Tax Appeal Board asserting that the subject's sale price is "out of line" with other similar properties in the area as evidenced by the submitted comparable sales and, thus, found no cause to reduce the subject's assessment.

In support of its contention of the correct assessment, the board of review submitted a grid analysis, photographs and property record cards of the subject and four comparable sales. Each comparable is located within .6 of a mile from the subject property. The comparables have sites that contain either 3,250 or 6,500 square feet of land area. The comparables are improved with part 1-story, part 1.5-story and part 2-story dwellings of vinyl or stucco exterior construction that range in size from 1,206 to 1,354 square feet of living area. The dwellings were constructed from 1900 to 1915 and each dwelling features an unfinished basement with one also having a partial crawl space foundation. Three comparables each feature central air conditioning and one also has a 280 square foot garage. The properties sold from June 2016 to December 2017 for prices ranging from \$20,000 to \$45,500 or from \$16.08 to \$37.45 per square foot of living area, land included. Based on this evidence, the board of review requested the subject's assessment be confirmed.

Conclusion of Law

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must

be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value in the record to be the purchase of the subject property on July 27, 2017 for a price of \$19,900. A contemporaneous sale between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor and that the property had been advertised on the open market through the Multiple Listing Service for a period of 8 days. The Board finds the board of review did not present any substantive evidence to challenge the arm's length nature of the subject's sale transaction, and there is no evidence in the record that the sale was a result of a foreclosure, a court ordered sale, a bank REO (real estate owned) dwelling, or any other documentary evidence to suggest that duress may have been involved in the sale transaction. Additionally, the Board finds the evidence disclosed that the subject property was priced to sell, it needed work/renovations, and was sold "as-is" which calls into question the condition of the property at the time of purchase. Lastly, the listing sheet depicted that the original asking price was \$25,000 which would reflect the top limit of the subject's market value.

The Board finds the purchase price of \$19,900 is below the market value of \$41,743 as reflected by the assessment. The Board also finds the suggested comparable sales presented by the board of review do not overcome the arm's length sale of the subject on tis record. Furthermore, three of the comparables presented by the board of review have central air conditioning which the subject lacks, and comparable #3, which was most similar to the subject, presented a recent sale price of \$20,000, further suggesting that the subject property is overvalued. Based on this record, the Board finds a reduction in the subject's assessment commensurate with the appellant's request is justified.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Member



Member



Member



Member

DISSENTING: _____

CERTIFICATION

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: January 18, 2022



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year or years of the same general assessment period, as provided in Sections 9-125 through 9-225, are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for such subsequent year or years directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.

PARTIES OF RECORD

AGENCY

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